

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:06-CR-264

v.

HON. ROBERT HOLMES BELL

TERRY BERNARD MICHAEL,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #56). Based on a review of Defendant's motion, the Sentence Modification Report, submissions by counsel for the Defendant and for the Government, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on Counts 1-7 of an Indictment charging Distribution of an Unspecified Quantity of Cocaine Base; Distribution of an Unspecified Quantity of Cocaine Base Within 1,000 Feet of a School; Possession With Intent to Distribute Over 5 Grams of Cocaine Base; Possession With Intent to Distribute an Unspecified Quantity of Cocaine; Possession of a Firearm in Furtherance of a Drug Trafficking Offense; Felon in Possession of a Firearm; and Possession of a Firearm with an Obliterated Serial Number. Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). As such, the defendant is ineligible for a reduction in sentence.

Accordingly, Defendant's Motion for Modification or Reduction of Sentence
(docket #56) is **DENIED**.

Date: April 1, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE